

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Bond Ave., 327.5' W of the * ZONING COMMISSIONER
c/l of Wolf Ave. (Lot #2); and * OF BALTIMORE COUNTY
S/S Bond Ave., 267.5' W of the * Case No. 89-496-A
c/l of Wolf Ave. (Lot #3)
4th Election District
3rd Councilmanic District
Joseph L. Lee
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot width of 60 feet in lieu of the minimum required 70 feet and to allow a side yard setback of 8 feet in lieu of the required 10 feet with a sum of the side yards of 18 feet in lieu of the required 25 feet for Lots 2 and 3, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing and testifying on behalf of the Petition were Randolph and Cherry Smith, Contract Purchasers. There were no Protestants.

Testimony indicated that the subject property, known as Lots 2 and 3 of the Jacob Wolfe Subdivision, consists of 0.676 acres more or less zoned D.R. 3.5, and are both currently vacant. Testimony presented indicated that this Subdivision was designed in 1923 and laid out with 60-foot wide lots. Mr. Lee testified he has owned Lots 2 and 3, which were willed to him by an uncle, since 1978. Testimony further indicated that the subject property has been in the family for approximately 39 years. He testified the variances are required in order for the property to meet current setback regulations. Testimony indicated that the Petitioner proposes constructing single family dwellings on both lots, one of which is planned as the residence of his sister and her husband. Mr. Lee testified that all of the houses on this street are constructed on 60-foot wide

lots. Testimony indicated that the granting of the requested variances will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1989 that the Petition for Zoning Variance to permit a lot width of 60 feet in lieu of the minimum required 70 feet and to allow a side yard setback of 8 feet in lieu of the required 10 feet with a sum of the side yards of 18 feet in lieu of the required 25 feet for Lots 2 and 3, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the petitioner would be required to return, and be responsible for the costs of the hearing and the recording of the Order.

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able for returning, said property to its original condition.

2) The side yard variance granted herein is limited to the proposed dwellings only as set forth in Petitioner's Exhibit 1.

3) Petitioners shall not allow or cause either of the proposed dwellings to be used as a two family dwelling unit. There shall be only one kitchen facility provided within each dwelling unit.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 587-3333
J. Robert Haines
Zoning Commissioner

June 14, 1989



Dennis F. Rasmussen
County Engineer

Mr. Joseph L. Lee
3309 Woodruple Road
Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE
S/S Bond Ave., 327.5' W of the c/l of Wolf Ave. (Lot #2); and
S/S Bond Ave., 267.5' W of the c/l of Wolf Ave. (Lot #3)
4th Election District - 3rd Councilmanic District
Joseph L. Lee - Petitioner
Case No. 89-496-A

Dear Mr. Lee:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Mr. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Randolph and Cherry E. Smith
5303 Liberty Heights Avenue, Baltimore, Md. 21207

Ms. Love C. Watkins
3403 Piedmont Avenue, Baltimore, Md. 21216

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.5.02.3.C1. To permit a lot width of 60 ft. in lieu of the required minimum 70 ft. and to allow a side yard setback of 8 ft. in lieu of the required minimum 10 ft. with a sum side yard width of 18 ft. in lieu of the required minimum 25 ft. respectively.

The difficulties are unique when considered in relation to other properties in the Zoning District where houses set on lots that have the exact same "60 feet width" as the subject property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Cherry E. Smith & Love C. Watkins
(Type or Print Name)
3309 Woodruple Rd.
Baltimore, Md. 21207
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
Joseph L. Lee
(Type or Print Name)
Signature
3309 Woodruple Rd.
Baltimore, Md. 21207
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Joseph L. Lee
3309 Woodruple Rd.
Baltimore, Md. 21207 (301) 521-4941
Address
Phone No.

MAP
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1D
E.S. 44
CASE 89-496-A
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DP

ORDERED BY The Zoning Commissioner of Baltimore County, this 14th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 County Office Building in Towson, Baltimore County, on the 14th day of June, 1989, at 11:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Lot #2
Beginning on the south side of Bond Ave. 40 feet wide, at the distance of 327.5 feet west of the centerline of Wolf Ave. Being Lot 2, in the Jacob Wolfe Subd. W.P.C. #7 Part 1-77 on the 4th Election district.

Lot #3
Beginning on the south side of Bond Ave. 40 feet wide, at the distance of 267.5 feet west of the centerline of Wolf Ave. Being Lot 3, in the Jacob Wolfe Subd. W.P.C. #7 Part 1-77 on the 4th Election district.

43,500

60 x 270 = 14,760 SQ. FT. ±
= 0.338 AC. ±

CERTIFICATE OF PUBLICATION

Pikesville, Md., May 19, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 14th day of May, 1989 the first publication appearing on the 14th day of May, 1989 the second publication appearing on the 14th day of May, 1989 the third publication appearing on the 14th day of May, 1989

THE NORTHWEST STAR

Manager *In Oule*

Cost of Advertisement \$2160

10. #12532

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 22, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 18, 1989

THE JEFFERSONIAN,

S. Zake O'Leary
Publisher

PO 12531
reg 1128973
cs 89-496-A
price \$845.31

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

89-496-A

District 4426
Posted for: *J. Haines*
Petitioner: *Joseph L. Lee*
Location of property: *Lot #2 S/S of Bond Avenue 327.5' W of the c/l of Wolf Avenue*
Location of Sign: *South side of Bond Avenue at foot of Lot #3*
Remarks:
Posted by: *J. Zake O'Leary*
Number of Signs: 1
Date of return: *May 15, 1989*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 5/23/89

Mr. Joseph L. Lee
3309 Woodridge Road
Baltimore, Maryland 21207

Re: Petition for Zoning Variance
CASE NUMBER: 89-496-A

Lot #2: S/S Bond Avenue, 327.5' W of c/l Wolf Avenue
Lot #3: S/S Bond Avenue, 267.5' W of c/l Wolf Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): Joseph L. Lee
Contract Purchase(s): Cherry E. Smith & Love C. Watkins
HEARING SCHEDULED: THURSDAY, JUNE 8, 1989 at 11:00 a.m.

Dear Mr. Lee:

Please be advised that \$21.91 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204, fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/2/89 ACCOUNT: 89-496-A

AMOUNT: \$ 21.91

RECEIVED FROM: Joseph L. Lee

FOR: 89-496-A

VALIDATION OR SIGNATURE OF CASHIER

DATE: 6/2/89

TIME: 11:00 a.m.

OFFICE: 494-3333

TELEPHONE: 494-3333

FAX: 494-3333

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